

TO THE CHAIRMAN AND MEMBERS OF THE POLICY COMMITTEE

PROCEDURAL POLICY MANUAL REVIEW

1 PROPOSAL

To consider the proposed Waipa District Council Procedural Policy Manual 2010 and subject to any amendments, recommend to Council that it adopts the proposed 2010 Procedural Policy Manual attached as Appendix 1.

2 SUMMARY

One of the three key components of governance is policy setting. To assist with implementing legislation and providing local government, Council is required by statute to adopt a number of policies. Some of the policies are strategic and many are contained in the Waipa District Long Term Council Community Plan 2009-19 (LTCCP).

In many areas, the functions and powers of Council are clearly prescribed in legislation and in Council documents such as the LTCCP, District Plan, management plans, strategies and others. However, they are not comprehensive and there is a need for Council to also develop and maintain a number of procedural policies which are contained within a Procedural Policy Manual. This enables Council to ensure the effective and efficient discharge of its functions, duties and powers.

The Procedural Policy Manual was last reviewed in 2007 and provides for review every three years, with updates in the interim. With Local Government Elections being held on 9th October 2010, it is appropriate that the Manual be reviewed and updated prior to the election of the new Council.

There have also been legislative changes impacting on policy and policy development (such as Council's Pensioner Housing Policy 2010) which should be reflected in the Procedural Policy Manual. The policies have been reviewed through workshop sessions with councillors and also in consultation with the Iwi Consultative Committee and both the Cambridge and Te Awamutu Community boards. There is no statutory requirement for full public consultation such as required by the Local Government Act 2002 special consultative procedure.

A summary of the key changes to the policy sections in the Manual is contained in section 6 of this report. The format of the Manual has also been updated to reflect the new organisational structure and to create a more user-friendly format. The revised manual is now presented to the Policy Committee to be considered and subject to any amendments to be recommended to Council for adoption.

3 RECOMMENDATION

That

- a) *The report of the Manager Legal and Corporate Support, Jennie McFarlane dated 31st August 2010 be received;*
- b) *The Policy Committee recommend that the proposed Waipa District Procedural Policy Manual 2010 attached as Appendix 1, subject to any amendments, be recommended to Council for adoption at its meeting on 28th September 2010.*

4 LEGAL/ COUNCIL POLICY

The proposed Waipa District Council Procedural Policy Manual 2010 makes reference to certain statutory policies, strategies and plans, many of which Council is required to have due to a statutory requirement. The manual contains those procedural policies which Council is not statutorily required to have but which aid Council to administer its functions, powers and duties in a consistent and transparent manner.

5 BACKGROUND

The Procedural Policy Manual was reviewed in 2003 and co-ordinates a number of procedural policies. A further review was conducted in 2007. The format of the 2007 Manual reflects the organisational structure in place at the time and aligns with core activities as set out in the Annual Plan and LTCCP.

Since 2007, there have been certain legislative changes (such as the Waste Minimisation Act 2008) that mean that either a Council procedural policy requires to be amended or may no longer be required. In addition, Council has adopted certain policies such as the Road Control Policy 2007 and the Pensioner Housing Policy 2010, which should now be referred to in the Manual.

The review of the Manual began as a project towards the end of 2009 and various policy sections in the Manual were discussed at several Council workshop sessions. In addition, the review and proposed changes to the Manual were consulted on with the Iwi Consultative meeting and with the two community boards.

6 COMMENT

The proposed Waipa District Council Procedural Policy Manual 2010 is attached as Appendix 1. The format of the Manual has been amended for greater alignment with the organisational structure, resulting in some new sections being created and existing policies transferring to new administering departments.

New policy has been included where required and some policy has been removed, for example in relation to the Adoption of Bylaws and to Waste Management as these are now covered by legislation. Some policies such as the Liquor Licensing Policy 2003 are due for review but this has been delayed pending the Law Commission and central government review of the Sale of Liquor Act 1989 and associated legislation. Other policies (such as the financial policies) have been subject to a thorough review and updated to reflect current practices.

The Property policy sections have been updated and incorporate Council resolutions on various aspects. A more thorough review will be part of the development of a Property Strategy which is planned.

Some other areas continue to be subject to further review in light of the development of strategies or due to currently changing management practice. For example work is underway to develop an Open Space Plan, a Community Engagement Strategy, a Water Conservation Strategy, and as above-mentioned, a Property Strategy.

The Road Corridor and Development Engineering teams will be reviewing the Council bylaws and policies relating to the road corridor. These reviews and strategies may impact on current policy and any subsequent amendments to policy sections will need to be considered and approved by Council.

Adopting the policy manual as reviewed at this stage will not prevent further reviews being considered by any incoming Council. In particular, there is currently a review of the governance structure and the incoming Council may amend the current structure. This will involve changes to the governance sections of the Manual which will mean the Council approving any amendments to the Manual. The Manual provides for updates as required and for a full review every three years.

A summary of the key changes is detailed in the table below:

SECTION NUMBER	SECTION NAME	PROPOSED CHANGES
1	CHIEF EXECUTIVE	
1.1	Use of Council Seal	No changes.
1.2	Delegation of Authority	No changes.
1.3	Code of Conduct	Updates clause 8 in light of legal requirement now to maintain Conflict of Interest Register. Clause 12 RMA hearings is updated to reflect RMA changes and “Making Good Decisions” programme and provide for other regulatory hearings.
1.4	Protected Disclosures Procedures	No changes.
1.5	Contestability – Service Delivery	No changes.
2	BUSINESS SUPPORT	
2.1	Governance	
2.1.1	Governance Structure	Overall structure currently being reviewed and any changes may be implemented following 2010 Local Government elections. Committee details to be updated in the interim, include more recent committees such as Strategic Planning and Development Committee.
2.1.2	Council Controlled Organisations	No changes.
2.1.3	Community Boards	The current policy reflects statutory provisions, and aligns with the recently confirmed Delegations Register. This area is potentially up for review post 2010 LG elections but as a matter of course the Boards will be included in the review process.
2.1.4	Representation on External Organisations	No changes.
2.1.5	Members’ Remuneration and Expenses	Former clauses 1.6.2 and 1.6.3 are no longer required as remuneration is set by the Remuneration Authority, which has confirmed current remuneration to apply through to 2010 LG elections, thereafter the incoming Council will be able to make recommendations to the Authority on remuneration.
2.1.6.1	Appointment and Remuneration of Directors to CCOs (includes	No changes (must have a policy on this as per LGA requirements).

2.1.6.2	Appointment of Directors to Local Authorities Shared Services Limited (LASS)	No changes
2.1.8	Elected Member Attendance at Conferences	Minor change to include “or other representatives” in second paragraph, to create more opportunity for attendance at conferences .
2.2	Finance	
2.2.1	Depreciation	Council supports continuing to use depreciation as a mechanism for providing for renewals, will clarify where assets are appropriate to have renewal funding or part funding allocated. Valuations to be more cyclical to avoid 3 yearly impacts.
2.2.2	Treasury Reporting	Re-name as Treasury reporting and amend to reflect quarterly rather than monthly reporting.
2.2.3	Capital Expenditure (Capex) and Project Planning	Policy amendments proposed: To cover projects or capex outside of LTCCP To refer to Council’s Procurement Policy and Procedures Manual. To cover deferrals and carry forward processes. To provide for Chief Executive to approve capex in an emergency situation. To provide a threshold for capex.
2.2.4	Funding of Reserve Land	No changes.
2.2.5	Community Grants and Guarantees	Changes proposed to ensure consistency with LTCCP Treasury Policy and to provide for guarantees to go through Council.
2.2.6	Procurement Policy	Refers to Council’s recently approved Procurement Policy and Procedures Manual.
2.2.7	Council Vehicles	No changes.
2.2.8	Entertainment	No changes.
2.2.9	Fees and Charges	No changes.
2.3	Property	
2.3.1	General	General principles largely remain unchanged but policy sections updated and re-written.
2.3.2	Property Management	Some new policy in this section on the acquisition, management and disposal of property- the Property Department is tasked with a project this coming year to draft a Property

		Strategy which will provide direction. Proposed policy for disposals includes achieving best value, using valuations and covering methods of sale (e.g. open market).
2.3.3	Unformed Roads	Policy has been expanded to include some policy around disposal of unformed roads and the legislative process that should be applied. The development of a Property Strategy and a proposed review of all the Road Corridor bylaws/policies being undertaken in the 10/11 year will include reviewing this policy further .
2.3.4	Forestry	Update section to reflect change with the Pirongia Forestry operation now entirely owned by Council but policy remains unchanged.
2.3.5	Leasing of Council property	Covers Council owned or administered land and buildings. Reflects existing policy but updated to incorporate relevant Council resolutions on rents, rates, fees and charges and to reflect Council's ongoing commitment to have equity between lessees through use of a standard lease.
2.3.6	Pensioner Housing	New policy introduced in 2010.
2.3.7	Community Halls	<p>Policy now defines "community halls" as those which are funded by a targeted rate. The policy will apply only to these halls.</p> <p>Hall committees need to be a legal entity such as an incorporated society to receive Council funding (from targeted rates), additionally will need to provide Council annually with a set of verified accounts and an asset management plan.</p> <p>Appropriate insurance cover to be arranged by Council, not necessarily to be replacement cover.</p> <p>The halls to receive 100% remission of general rates, but liable for targeted rates for water supply and waste-water disposal.</p> <p>At the Council workshop, the issue was raised of how the targeted rates for community halls are set, being 3 different mechanisms, this needs to be addressed in the future as part of the review of the Property area so a consistent method can be adopted.</p>
2.3.8	Elections advertising/signs	New policy proposed to reflect existing practice of not permitting election signs to be on Council owned or administered property, signs on private property covered by District Plan.
2.3.9	Smoking in the Workplace	<p>No changes made.</p> <p>Note: Smokefree legislation administered and enforced by District Health Boards.</p>

2.4	Information Management	
	Protection of Local Archives	No changes identified
3	PLANNING AND COMMUNITY RELATIONS	
3.1	Community Relations	
3.1.1	Treaty of Waitangi	No changes, however note evolving nature of relationships in light of FutureProof and Treaty settlements.
3.1.2	Communication and Consultation	No changes but note a Community Engagement Strategy is being developed.
3.1.3	Statements to News Media	No changes.
3.1.4	Complaints	Addition of “and any action taken” to first sentence to ensure a note is made of response to request for service.
3.1.5	Sister Cities	No changes.
3.1.6	Cambridge CBD - Sporting Champions	No changes.
3.1.7	Te Awamutu Walk of Fame	Policy introduced in 2008 to recognise Te Awamutu outstanding achievers.
3.2	Planning/Environmental Services	
3.2.1	Bylaws Resource Management Act 1991 (RMA)	Note policy on adoption of bylaws no longer required as provided for in Local Government Act 2002 Policy provides for consultation with tangata whenua (e.g. through Nga Iwi O Toopu Waipa). Amends criteria for notification and explanation of “adverse effects” as this is covered by definition in RMA and case law, sections 95 to 95E to apply. Replaces references to “District Reserve Contribution Levies” to “Development Impact Fees” (DIFs) with DIFs to be applied to develop council reserves. Deletes out of date information and refers to Council’s Development Contributions Policy in LTCCP. Updates policy to reflect changes to RMA (2009 RMA amendments).
3.2.2	Bonds	Changes proposed: Bonds generally to only be available for minor cosmetic reasons.

		<p>Bonds not to be available for infrastructure unless “special circumstances” apply to be determined by Council.</p> <p>No partial bond release at developer’s discretion.</p> <p>Bonds to increase from 1.5 to 2 x estimated cost.</p>
3.2.3	Hearings Procedures	Changes to provide for regulatory hearings conduct and format and RMA hearings (which reflects 2009 RMA changes to be conducted in accordance with sections 39 to 42).
3.2.4	Submissions, Appeals and Objections by Council	No changes.
3.2.5	Contaminated sites	No changes proposed although note there is a proposed National Environmental Standard to be introduced.
3.2.6	Liquor Licensing Policy 2003	Law Commission review of Sale of Liquor Act 1989 and alcohol industry recently completed, recommendations propose territorial authorities to have local alcohol policies, policy review has been on hold pending central government direction.
3.3	Development Engineering	
3.3.1	Naming of Roads	<p>Amends policy to allow Council to set the road types.</p> <p>Some Maori name options will be included in the list of names for the various towns.</p> <p>Cambridge Community Board has recommended Council consider a change to the policy in the Cambridge area west of the Waikato River, in particular the country area outside of the townbelt, to take into account the early settlers and heritage of this area.</p> <p>Development engineering will manage the list of names for review and adoption by Council, including the consultation process.</p>
3.3.2	Stock Underpasses	Only change at this stage is to allow Council discretion as to whether or not to provide a subsidy. A complete review of the relevant bylaw controls and policies for the Road Corridor will be undertaken in the 20/11 year, which will include stock underpasses.
4	Service Delivery	
4.1	Water Services	
4.1.1	Water Treatment and Supply	No changes
4.1.2	Wastewater Treatment and Disposal	No changes

4.1.3	Land Drainage and Stormwater	Council to maintain and manage drains and Stormwater through the Waipa District Land Drainage and Stormwater Bylaw 2009.
4.2	Road Corridor	
4.2.1	Road Control Policy 2007	A policy introduced in 2007 in relation to road safety and management. A complete review of the relevant bylaw controls and policies for the Road Corridor will be undertaken in the 20/11 year, which will include the Road Control Policy.
4.2.2	Roads-General	A complete review of the relevant bylaw controls and policies for the Road Corridor will be undertaken in the 20/11 year, which will include the policy sections in Roads-General.
	Waste Management	
		Policy no longer required due to introduction of Waste Minimisation Act 2008 to align with the central government Waste Strategy. Council's Waste Management Plan will be reviewed in the 10/11 year.
4.4	Community Facilities	
4.4.1	Library Services	4.4.1.4 Mobile service to include mail service as well if necessary (Intellectual Freedom), 4.4.1.6 (Displays in Libraries) and 4.4.1.7 (Confidentiality of Library records) includes reference to being the adopted statements and principles of the Library and Information Association New Zealand Aotearoa
4.4.2	Museums	Proposed new wording: Council provides Museum services and facilities that recognise, protect and showcase the significant cultural history of Waipa District. Museum Services are currently sited in both Te Awamutu and Cambridge and operate under a formal partnership agreement with their respective collection owners, Te Awamutu Museum Trust Board and Cambridge Historical Society. Where possible, Council will maintain representation on any associated museum trust board, committee or other entity. Kaitiaki arrangements are in place with Kingii Tuheitia for Uenuku and with local iwi for general cultural support for both museums. In providing these services Council intends to complement other private Museum service providers in the district.

		Collection acquisition, de-accession and management is conducted under the Waipa District Museums Collection policy and procedures. Museum practices are conducted in accordance with New Zealand Museum Standards.
4.4.3	Parks and Reserves	4.4.3.1 Amend to refer to “Open Space Plan” rather than “Leisure Plan”. (All reserve categories will be contained within that Plan). An “Open Space Plan” is being developed which will incorporate much of the Leisure Plan but broaden the scope and include a heritage component.
4.4.4	Memorials	Proposed policy on requests for memorials (such as trees, seats, plaques for example in a Council park) as requests currently managed on an ad hoc basis.
4.4.5	Trees	No changes.
4.4.6	Cemeteries	4.4.6. a) adds “generally” before the words “adopt the Memorial Park layout” which is to provide for potential future requirements for natural/eco-burials.

7 FINANCIAL IMPLICATIONS

The review of the policy manual is being met from operational budgets.

8 PUBLIC RELATIONS/COMMUNICATION

The review of the policy manual involved consultation with the Iwi Consultative Committee at its June meeting and with the community boards at their July meetings. Once the proposed Waipa District Council Procedural Policy Manual 2010 has been adopted by Council, it will be made publicly available on Council's website.

Jennie McFarlane

MANAGER LEGAL & CORPORATE SUPPORT

Peer reviewed and approved by Ken Morris

GROUP MANAGER BUSINESS SUPPORT